



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.23294 of 2014

and

M.P.No.1 of 2014

J.Rajasekaran

... Petitioner

Vs

1.The District Collector,
Thiruvallur District.

2.The Commissioner,
Avadi Municipality.

3.Mrs.Ranjithammal

4.The Inspector of Police,
T-6, Avadi Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the 2nd respondent from constructing a public road in private land situated in No.17, Thandurai Village, Poonamallee Taluk, Thiruvallur District and comprised in Survey No.282, measuring 91 cents that belongs to the petitioner herein.

For Petitioner : No appearance

For Respondents : Mr.C.Sundaram
Government Advocate
[For R1 & R4]

Mr.N.K.Ponraj
[For R2]

No appearance
[For R3]



ORDER

The petitioner is called absent.

2. The prayer is for a direction to forbear the 2nd respondent i.e., the Commissioner, Avadi Municipality, from constructing a public road in private land in No.17, Thandurai Village, Poonamallee Taluk, Thiruvallur District, comprised in Survey No.282 and admeasuring 91 cents, belonging to the petitioner .

2. Paragraph 6 and 7 of the counters state thus:

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"6. On getting the objections from the Petitioner, the further work was stopped and the Surveyor was requested to survey and report as to whether the said pathway was a Road or not. On surveying the site, the Surveyor has reported that the pathway was not a public road and it was not set out or marked in the Survey Records as a road and that the land was the patta lands of the petitioner. Therefore, on seeing that the pathway was running on the private lands, the further work of laying the pipes has been stopped and the petitioners land has not been encroached upon by the respondent herein. In view of the above fact, the further work of laying the lines was stopped in the lands of the petitioner.

7. Further, this respondent has not laid any road across the lands of the petitioner in any manner. This respondent humbly submits that the Avadi Municipality has not encroached in the private lands of the petitioner and will not also do so in future."

3. In light of the narration above, particularly the undertaking given by R2, i.e., the Commissioner, Avadi Municipality to the effect that the respondent has no intention to encroach upon private property, and has not, and will not, lay a road upon the lands of the petitioner, this writ petition deserves to be allowed and I do so. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

kak/jeni



To

1.The District Collector,
Thiruvallur District.

2.The Commissioner,
Avadi Municipality.

3.The Inspector of Police,
T-6, Avadi Police Station,
Chennai.

+lcc to Mr.P.Srinivas, Advocate SR. No.23325

+lcc to Government Pleader SR. No. 23641

W.P.No.23294 of 2014

SKM (CO)

PR (28/04/2022)